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Hon. Willilam F. Kuntz
United States District Judge EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

BY ECF and Hard Copy

Re: USA v Lance Moskowitz et. al. 11 CR 793 (WJK)

Der Judge Kuntz.

On September 24, 2012, I received an e-mail from Fredrick Sosinsky, Esq. counsel for Salvatore Parker in the above referenced case advising me that on August 30, 2012 you had assigned me under the Criminal Justice Act to represent his client in a *Curcio* hearing to be held on October 5, 2012. I had not previously been advised of this appointment, and I do not believe that it popped up on my daily online ECF notices.

I am unable to appear on October 5th as I have a previous commitment to be out of the New York City area between October 3, 2012 and October 10, 2012. I would be available any time thereafter that is convenient to the court.

However, I believe that another conflict of interest exists. On March 28, 2012 (docket entry between Numbers 39 and 40), your Honor appointed me and I represented the co-defendant Loriann Moskowitz in another *Curcio* hearing in this case. At that time I met with and discussed the full details of the case with Ms. Moskowitz. Before I can represent Mr. Parker in the same matter, it might be advisable to conduct a simultaneous *Curcio* hearing to see whether there is a conflict of interest between my representing both Ms. Moskowitz and Mr Parker in the same matter. Consequently, it may be advisable to appoint other *Curcio* counsel for Mr. Parker.

Respectfully yours,

Marion Seltzer